

SLG-1

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:

Stephen L. GORDON

Group Art Unit: 2175

Serial No.: 09/760,905

Examiner: Charles L. Rones

Filed: January 17, 2001

Confirmation No. 3536

For: COMPUTER IMPLEMENTED  
INTERACTIVE ERGONOMICS  
RESOURCE SYSTEM

APPEAL BRIEF

Commissioner for Patents  
Mail Stop Appeal Brief-Patents  
Box 1450  
Alexandria, VA 22313

Sir:

This Appellant's Brief on Appeal is timely filed under the provisions of 37 CFR 1.192, following a Notice of Appeal filed with a Certificate of Mailing dated May 26, 2004, and received on May 28. By this brief, the authorities and arguments on which the Appellant will rely to maintain this appeal are set forth. The brief contains the items specified by Rule 192(c), under appropriate headings and in the requisite order. A Certificate of Mailing for this Appeal Brief is included at the end of this Brief but before the Appendix of Claims.

### I. REAL PARTY OF INTEREST

The real party of interest in this appeal is Stephen L. Gordon who is the owner and inventor of this patent application.

### II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences related to this application at this time.

### III. STATUS OF THE CLAIMS

Originally filed claims 1 through 23, in essence, remain pending in this application, claims 5 and 12 through 18 having been amended according to the suggestions of the Examiner in the final Office Action. None of these changes are deemed to be substantive. All of the claims were rejected. The final rejections of claims 1 to 23 are the subject of this appeal.

A copy of the claims under final rejection (i.e., claims 1 to 23) is provided in the attached Appendix of Claims. The claims set forth are those provided in the After Final Amendment with the above-noted non-substantive amendments. While the After Final Amendment was not entered for the purpose of Appeal as of July 19, 2004, the Examiner, in a telephone interview of that date, agreed to do so upon receipt of this Appeal Brief. No Advisory Action relating to entry was received as of that date.

#### IV. STATUS OF THE AMENDMENTS

The After Final Amendment was filed by the Appellant on May 13, 2004, in response to the final Office Action of March 1, 2004. It erroneously indicated that it was in response to the final Office Action of February 24, 2004 and that the Docket No. was SLG-3. No other amendments have been proposed after the final Office Action.

#### V. SUMMARY OF THE INVENTION

The Appellant's claimed invention will now be summarized with reference to the corresponding parts of the Appellant's specification and drawings.

The present invention relates to media based ergonomics programs (or a single program). Such programs include databases that relate to one or more specific work-sites.

Historically, organizations that desired to obtain information with the aim of reducing their work-site injuries related to ergonomic tasks, i.e., those caused by repetitive motions, had to employ ergonomics experts at considerable expense. These repetitive motion work-site injuries are referred to as musculoskeletal disorders or WMSDs. If an organization was large enough, a worker's compensation insurance company could reduce premiums for companies that had an ergonomics program or, alternatively, provide ergonomics analyses for those large organizations. The point is that these work related injuries have proved to be very expensive. However, many small organizations cannot afford to hire ergonomics experts and insurance companies cannot

afford to do the analyses for all small organizations. This is discussed on page 2 of the specification.

The instant invention provides an effective, software based, expert ergonomics system that includes databases that cover ergonomics programs for a number of work-sites. The system is an expert system in that the information provided is the equivalent to that which may be provided to an organization by an on-site expert ergonomics consultant. It should be emphasized, however, that the system and its programs are so fashioned, in terms of language and structure, that a layman in the field of ergonomics can easily and effectively employ the system.

Fig. 1 depicts the preferred system where an organization employs a computer (110) and has access to a web-server (160) that includes ergonomic programs. Access is obtained in a conventional fashion through an ISP (120) and the Internet (150).

Access to a particular ergonomics program covering a work-site of interest is achieved through the use of an interactive aspect of the system where the user is asked a number of questions through the use of software and the answers to those questions, provided by the user, are analyzed through the use of software. This analysis, in turn, will define the work-site of interest and direct the user to the appropriate ergonomics program of interest (see page 14, lines 11 to 15 and page 23, lines 8 to 12 (claim 3)).

Fig. 2 (described in pages 11 to 15) is a flow diagram depicting the system of the present invention, i.e., the resources included in the software of the invention. Reference to the names of blocks alone will show that data bases within those blocks include, but additionally represent far more than the elements of an ergonomics program. Those databases that include information beyond that directly concerned with an ergonomics

program are designated as being “ancillary” (page 4, lines 7 to 12). To understand that which is ancillary to an ergonomics program, the elements of an ergonomics program should be understood.

The meaning of the term “ergonomics program” has become a central issue because, while every claim involves an ergonomics program or programs, the sole applied reference does not.

An ergonomics program is defined on page 3, lines 15 to 21 and Fig. 2, blocks 270 through 350. As a starting point, an ergonomics program is defined as one that generally includes compliance with an OSHA proposed standard that is intended to eliminate or reduce work-site WMSDs by assessing and controlling the work-site environment where both employees and management contribute to the assessment and control. More particularly, the OSHA standard includes six elements that include management leadership, employee participation, WMSD management, job hazard analysis, job hazard reduction and control, and training (page 3, lines 19 to 21). This is not to say that every ergonomics program must have all six elements of the OSHA standard. It is clear that the OSHA elements may be modified (page 3, line 23 to page 4, lines 1 and 2). However, an ergonomics program must be comprehensive. It clearly must include more than one element.

While controls (page 4, lines 3 to 7) may possibly be the most important element in an ergonomic program, having controls is insufficient without management support, training and the like.

Importantly, it should be understood that, in one fashion or another, all the claims recite an ergonomics resource system (Fig.1) that includes one or more ergonomics programs. These are discussed at length immediately above.

The salient features of the claims follow. With reference to the independent claims, 1, 3, 12, 19 and 22, claim 1 requires only one ergonomics program, claim 3 covers a plurality of ergonomics programs, claim 12 covers an ergonomics program in a storage media; no web-site access is required. Claim 19 is similar to claim 1 but includes a limitation related to a question and answer cycle to define a work-site of interest. Claim 22 is in method form, requires only one ergonomics program and provides for a report. In a number of instances no references to the specification are given because the same feature was previously referred to, with a reference, in this Summary.

#### Claim 1

The system includes an interactive (page 6, lines 7 to 12, page 14, lines 9 to 14, page 16, lines 7 to 9) web-site that includes ergonomics resources (page 5, line 1, page 6, line 6), the resources include at least one ergonomics program and the ergonomics program (page 3, lines 15 to 21, page 3, line 23 to page 4, line 2 and Fig. 2, blocks 270 to 350) that includes at least one data base. Further, the system includes a computer that is remote from the web-site, means for interactively accessing the web-site from the computer and means to provide a report (page 4, lines 13 to 18, page 6, lines 12 to 16) relating to the ergonomics resources.

### Claim 2

This claim defines the resource system as an expert system useable by a layman (page 12, line 22 to page 13, line 1 and page 20, lines 8 to 12), that the database includes controls (page 4, lines 3 to 7) for at least one work-site, and that the report includes the controls, which may be viewed at the computer.

### Claim 3

The system includes an interactive web-site that includes ergonomics resources that, in turn, include a plurality of ergonomics programs with at least one data base for each of the work-sites (page 14, lines 11 to 15, page 16, lines 18 to 22) addressed by the programs. There is a user-operated computer remote from the web site with means to interactively access the web site from the computer. There is a question and answer cycle with an analysis to determine a work-site of interest (page 14, lines 11 to 15) followed by the extraction of the ergonomics program for that work-site where the program is extracted in the form of one or more reports.

### Claim 4

The reports include a report with the controls for the work-site of interest.

### Claim 5

The report is specifically designed to be understood and the ergonomics program implemented by laymen in the field of ergonomics (page 12, line 22 to page 13, line 1).

#### Claim 6

The questions, answers, analysis, and program extraction are carried out by application software. The questions appear on a monitor and the answers made using the monitor (page 14, lines 5 to 14).

#### Claim 7

The resource system includes at least one database in addition to those databases associated with the ergonomics programs (page 4, lines 7 to 12).

#### Claim 8

A user may access at least one database not maintained by the system (page 4, lines 16 to 18).

#### Claim 9

A user may access at least one ancillary database (page 4, lines 13 to 16).

#### Claim 10

The system is an expert system useful to laymen in the field of ergonomics.

#### Claim 11

The ergonomics programs conform to government regulations (page 3, lines 15 to 21).



#### Claim 12

A computer-readable medium carries software instructions for an ergonomics resource system that includes ergonomics resources embedded in a storage media, said resources includes at least one ergonomics program for a work-site of interest, which, in turn, includes at least one database relating said work-site of interest. A computer interfaces with said media, downloads the resources and extracts at least one database for the work-site of interest. (Here the program for a work-site of interest is developed for a user that may not have access to the internet, i.e., there is no web-site involved. A CD or DVD or the like is sent to the user.) Page 6, line 20, page 7, liner 4.

#### Claim 13

The extracted database may be made available in the form of a report.

#### Claim 14

There are a plurality of ergonomics programs and a plurality of databases.

#### Claim 15

The medium carries only one ergonomics program.

#### Claim 16

The system is an expert system and at least one program is specifically designed to be understood and implemented by laymen in the field of ergonomics.

Claim 17

At least one ergonomics program conforms to government regulations (page 3, lines 15 to 21).

Claim 18

The databases include at least one ancillary database.

Claim 19

An ergonomics resource system includes an interactive web-site including certain ergonomics resources including one or more ergonomics programs and further includes means for proposing certain questions to a user, obtaining answers thereto from the user, and analyzing said answers for certain ergonomics related information to define a work-site of interest. Additionally, the system has a means for extracting a specific ergonomics program related to said work-site of interest and a means for making at least a portion of said extracted ergonomics program available to a user in the form of one or more reports.

Claim 20

The system is an expert system useable by laymen in the field of ergonomics.

Claim 21

Each ergonomics program has one or more databases.

#### Claim 22

A method for providing ergonomics resources to a user includes creating a knowledge base in the form of one or more databases, including at least one database relating to at least one ergonomics program, eliciting information from a user sufficient to define a work-site of interest determining the applicable, specific ergonomics program for said work-site of interest and providing access to at least one report with at least a portion of ergonomics program, the report being accessible by a user.

#### Claim 23

The knowledge base includes a plurality of databases including a plurality of databases relating to a plurality of ergonomics programs as well as databases not relating to the ergonomics programs and the elicited information is obtained through at least one question and answer cycle and analysis relating thereto, employing application software.

### VI. REFERENCE OF RECORD

The following reference was relied upon by the Examiner in the final Office Action:

U.S. Patent No. 6,592,223 issued to Stern et al. ("Stern")

## VII. ISSUES

The issues presented for consideration in this appeal are as follows:

1. Whether the Examiner erred in rejecting claims 10 and 12 to 18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
2. Whether the Examiner erred in rejecting claims 1 to 23 under 35 U.S.C. 102(e) as being anticipated by Stern; and,
3. Whether the Examiner erred in rejecting claims 11 and 17 under 35 U.S.C. 103(e) as being unpatentable over Stern.

## VIII. GROUPING OF CLAIMS

It is respectfully submitted that the claims do not stand or fall together as a single group for purposes of this appeal. More specifically, it is submitted that the claims on appeal should be grouped as follows:

1. Claims 1 and 2 stand or fall together.
2. Claims 3, 4 and 6 to 10 stand or fall together.
3. Claim 5 stands or falls alone.
4. Claim 11 stands or falls alone.
5. Claims 12 to 16 and 18 stand or fall together.
6. Claim 17 stands or falls alone.
7. Claims 19 to 21 stand or fall together.
8. Claims 22 and 23 stand or fall together.

## IX. ARGUMENTS

A. The Examiner erred in rejecting claims 10 and 12 to 18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Appellant believes that to satisfy the requirements of 35 U.S.C. 112 in terms of definiteness the claims need not approach perfection but only be clear enough to understand that which may be infringed. The claims, as submitted, are believed to be definite enough to satisfy that standard. This is not to say that the Examiner's suggestions or requirements did not make the claims more clear. These suggestions and requirements were set forth in the final Office Action in both the rejection (pages 2 and 3) and the Response to Arguments (pages 9 and 10). At this point, however, this rejection is deemed to be largely moot because the Examiner's suggestions and requirements have been adopted by the amendments made to claims 5 and 12 through 18 in the After Final Amendment. Claim 10 was not amended because it is deemed clear as written.

The Examiner, referring to claims 11 and 17, also seems to believe that the term "government regulations" renders these claims indefinite where the government has no regulations regarding "software programs." Appellant finds this to be confusing on a number of levels. First, claim 17 was not addressed in this rejection. Secondly, Appellant has no idea where the Examiner got the idea that the Appellant was attempting to protect regulated software programs. This concept cannot be found anywhere in the application or in the following prosecution.

The invention involves ergonomics programs. These ergonomics programs may be provided in the form of software, but if they were provided in the form of a chip (firmware), it would make no difference. Both claims 11 and 17 are perfectly clear in that it is an ergonomics program that conforms to government regulation. This fundamental aspect of the invention is made very clear by the application. At the time of making the invention the federal government had issued proposed regulations covering the disclosed six elements of an ergonomics program. A number of states have adopted such regulations.

Accordingly, it is respectfully submitted that the final rejection of claims 10 and 12 through 18 under 35 U.S.C. 112 is improper and should not be sustained.

B. The Examiner erred in rejecting claims 1 to 23 under 35 U.S.C. 102(e) as being anticipated by Stern.

The fundamental requirement of a viable rejection under 35 U.S.C. 102 is that every limitation of every rejected claim must be found to be taught by the applied reference. At a first glance, the Examiner appears to give a comprehensive, claim by claim, limitation by limitation reading of the claims vis-à-vis Stern. A closer reading however, shows that it does not consider all claims (17, 18, 19, 21, 22 are not addressed) or all limitations and in many cases is clearly erroneous. It should be apparent, at this point, that the invention, in all instances, involves ergonomics programs at the expert level. Every claim, directly or indirectly, requires at least one or more ergonomics programs. An ergonomics program is clearly taught in the application as ordinarily having six elements. While these may be somewhat modified, one element alone (Stern

has only one element) does not constitute an ergonomics program. How a six element ergonomics program was reduced to one by the Examiner was never explained. This issue has been raised many times with the Examiner, including in multiple telephone interviews. The Examiner continued to insist that Stern taught an ergonomics program but never, though asked, offered any explanation as to how Stern could do so. By not having the benefit of the Examiner's reasoning, the Appellant was denied the opportunity of having a meaningful dialogue on the point. One would assume that such a dialogue would be a necessary part of the examination process.

Because Stern discloses little that is relevant to the invention, it is easier to discuss what it discloses rather than what it does not disclose. Stern teaches a web-site based system that is accessible by a remote computer operated by a layman in the field of reduction of eyestrain. The Stern work-site, i.e., the computer station, is where that layman/operator is situated. The only work-site of interest is a work-site where eyestrain is a potential problem. The web-site system has no capability with respect to other kinds of work-sites. It can tell the layman/operator how to adjust the distance between himself and the monitor and how to adjust lighting conditions to reduce eyestrain and nothing else. These adjustments to reduce eyestrain constitute limited controls only. This is discussed in Stern's Summary of the Invention. Where are the other five elements of an ergonomics program? Where are the controls for finger, hand, elbow, shoulder, back and neck positions for the Stern work-site?

Further, a number of claims (2, 5, 16, 20) recite that the ergonomics programs are expert level, i.e., they furnish information that would be given by an expert consultant for the work-site of interest that is at that site. Stern is clearly not an expert system. An expert system is one that replaces experts. While the work-site analysis and recommendations may be forwarded to the layman/operator (if that person could understand and implement same) the analysis and recommendations of stern would normally be sent to an ergonomic staff (experts) or eye care professionals (experts). Column 5, lines 30 though 43. Column 6, first and third full paragraphs, is further evidence that Stern is not an expert system. The instant invention never contemplates referring any information to experts; it replaces experts.

A number of claims (3, 19, 22) recite a question and answer cycle to define a work-site of interest. Such as those many different work-sites noted on page 1, line 22 to page 3, line 3. The Examiner believes that Stern teaches this feature. Stern does ask certain questions (column 1, first paragraph of the Summary of the Invention: column 3, third full paragraph), none of which relate to defining a work-site of interest. One might ask why there would be any exercise to define a work-site of interest when Stern's system has only one work-site of interest.

Further, exactly where does Stern teach an ergonomics program, or even one element of an ergonomics program, that conforms to government regulations, or for that matter, access to a database not maintained by the system (claim 8)?

Claims 3 and 5 are useful examples of that which is not shown by Stern. Claim 3 recites, inter alia, a plurality of ergonomic programs (Stern teaches no ergonomic programs. Stern teaches only one incomplete element of a program.). Claim 5 recites a



question and answer cycle to define a work-site of interest (not taught by Stern and would not be taught by Stern; Stern concerned with one work-site only) and a means to extract the ergonomics program for the work-site of interest (again, there are no ergonomic programs, not even one taught by Stern; there is only one work-site; there would never be any need to extract the proper ergonomic program for the work-site of interest). Claim 5 adds that the ergonomics system is an expert system. Stern is not an expert system. It contemplates the use of experts. A fundamental objective of the invention is to avoid the use of experts.

Appellant believes that all the claims are patentable at least because Stern does not teach an ergonomics program. Nevertheless, the claims are grouped because of certain individual additional limitations not taught by Stern. Group 1 broadly covers a single ergonomics system; group 2 covers a system with a plurality of ergonomics programs and the question and answer cycle to determine the work-site of interest; group 3 recites that the system is an expert system useable by laymen in the field of ergonomics; group 4 recites that the ergonomics programs conform to government regulations; group 5 covers an ergonomics resource system embedded in a computer readable medium and group 6 additionally covers such a medium where at least one ergonomics program conforms to government regulations; group 7 includes the work-site defining question and answer cycle as well as the provision of one or more reports; and, group 8 is similar to group 1 in a method format. The specifics of claims in these groups are discussed immediately above.

This rejection is fatally and fundamentally flawed in many ways. It is respectfully submitted that the final rejection of claims 1 to 23 under 35 U.S.C. 102 should not be sustained.

C. The Examiner erred in rejecting claims 11 and 17 under 35 U.S.C. 103(e) as being unpatentable over Stern.

Claims 11 and 17 are dependent claims that recite that the ergonomics program conforms to government regulations. Reduced to its essence, the Examiner's rejection is that having an ergonomics program conform to government regulations is obvious because it is obvious, in other words, because the Examiner states that it is so. It is difficult to dispute such a rejection when the underlying basis of the rejection is not disclosed. With all due respect, if the Examiner is taking some kind of judicial notice, the Appellant does not believe that the Examiner is entitled to do so, i.e., that the Examiner is a judge. Obviousness is a conclusion that requires support. The Examiner has provided no support for his conclusion.

Further, the Examiner has apparently forgotten that these rejected claims are dependent on other claims. For a viable rejection of these claims under 35 U.S.C. 103, each entire claim, including the claims upon which they are dependent, must be shown to be obvious. This was not done. If the Examiner had done so, the Appellant would have incorporated by reference the arguments provided with respect to the rejection under 35 U.S.C. 102 as a starting point. The burden would have then been placed upon the Examiner to show that those limitations not found in the reference were obvious.

In light of the above, it is respectfully submitted that the final rejection of claims 11 and 17 under 35 U.S.C. 103 should not be sustained.

#### X. CONCLUSION

In view of the foregoing, it is respectfully submitted that the final rejections of claims 1 through 23 are improper and should not be sustained. Therefore, a reversal of the final rejections of the Examiner is respectfully requested.

Respectfully submitted,

  
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Dated: July 27, 2004

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## APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

1. An ergonomics resource system comprising:

an interactive web-site including certain ergonomics resources, said resources including at least one ergonomics program that includes, in turn, at least one database;

a computer remote from said web-site;

access means for interactively connecting said web-site and said remote computer; and,

means to provide at least one report related to said ergonomics resources.

2. The ergonomics resource system of claim 1 wherein:

said ergonomics resource system is an expert system usable by laymen;

said at least one database includes controls for at least one work-site;

said remote computer may be operated by a user of said system;

said report, observable at said remote computer, includes controls for said at least one work-site.

3. A computerized ergonomics resource system comprising:

an interactive web-site including certain ergonomics resources, said resources including a plurality of ergonomics programs that include, in turn, at least one database for a plurality of specific work-sites;

a computer remote from said web-site that may be operated by a user of said system;

access means for interactively connecting said web-site and said remote computer;

means contained within said web-site for proposing certain questions to a user, obtaining answers thereto from a user, and analyzing said answers for certain ergonomics related information, all to define a work-site of interest;

means for extracting a specific ergonomics program from said database related to said work-site of interest; and,

means for making said extracted ergonomics program available to a user in the form of one or more reports.

4. The computerized ergonomics resource system of claim 3 wherein said one or more reports includes a report with specific controls related to said work-site of interest.

5. The computerized ergonomics resource system of claim 4 wherein said system is an expert system and said report is specifically designed to be understood and said ergonomics program implemented, by laymen in the field of ergonomics.

6. The computerized ergonomics resource system of claim 3 wherein said means for proposing questions, obtaining answers, analyzing answers and said extracting means is application software, said questions appear at a monitor associated with said remote computer, and said answers are made with use of said monitor.

7. The computerized ergonomics resource system of claim 3 wherein said ergonomics resources include at least one database in addition to any databases associated with said ergonomics programs.

8. The computerized ergonomics resource system of claim 3 wherein a user may access at least one database not maintained by said system.

9. The computerized ergonomics resource system of claim 3 wherein a user may access to at least one ancillary data base.

10. The computerized ergonomics resource system of claim 3 wherein said system is an expert system useful to laymen in the field of ergonomics.

11. The computerized ergonomics resource system of claim 3 wherein said ergonomics programs conform to government regulations.

12. A computer-readable medium carrying software instructions for an ergonomics resource system including:

ergonomics resources embedded in a storage media, said resources including at least one ergonomics program for a work-site of interest, which, in turn, includes at least one database relating said work-site of interest;

a computer with means for interfacing with said media, downloading said ergonomics resources, and extracting said at least one database for said work-site of interest.

13. The computer-readable medium carrying software instructions for an ergonomics resource system of claim 12 wherein said extracted database may be made available in the form of a report.

14. The computer-readable medium carrying software instructions for an ergonomics resource system of claim 12 wherein said at least one ergonomics program is a plurality of ergonomics programs and said at least one database is a plurality of databases.

15. The computer-readable medium carrying software instructions for an ergonomics resource system of claim 12 wherein said at least one ergonomics program is one ergonomics program.

16. The computer-readable medium carrying software instructions for an ergonomics resource system of claim 12 wherein said system is an expert system and said at least one program is specifically designed to be understood and implemented by laymen in the field of ergonomics.

17. The computer-readable medium carrying software instructions for an ergonomics resource system of claim 12 wherein said at least one ergonomics program conforms to government regulations.



18. The computer-readable medium carrying software instructions for an ergonomics resource system of claim 14 wherein said plurality of databases includes at least one ancillary database.

19. An ergonomics resource system comprising:

an interactive web-site including certain ergonomics resources, said resources including one or more ergonomics programs;

said web-site further including means for proposing certain questions to a user, obtaining answers thereto from a user, and analyzing said answers for certain ergonomics related information to define a work-site of interest;

means for extracting a specific ergonomics program related to said work-site of interest; and,

means for making at least a portion of said extracted ergonomics program available to a user in the form of one or more reports .

20. The ergonomics resource system of claim 19 wherein said system is an expert system useable by laymen in the field of ergonomics.

21. The ergonomics resource system of claim 19 wherein each ergonomics program has one or more databases.

22. A method for providing ergonomics resources to a user, comprising the steps of:

creating a knowledge base in the form of one or more databases, including at least one database relating to at least one ergonomics program;

eliciting information from a user sufficient to define a work-site of interest;

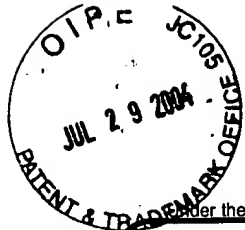
employing said defined work-site of interest to determine an applicable, specific ergonomics program for said work-site of interest; and,

providing access to at least one report with at least a portion of said specific ergonomics program, accessible by a user.

23. The method for providing ergonomics resources to a user of claim 22, wherein:

said knowledge base includes a plurality of databases, including a plurality of databases relating to a plurality of ergonomics programs as well as databases not relating to said ergonomics programs; and,

said elicited information is obtained through at least one question and answer cycle and analysis relating thereto, employing application software.



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 165

**Complete if Known**

Application Number	09/760,905
Filing Date	01/17/2001
First Named Inventor	Stephen L. Gordon
Examiner Name	Charles L. Rones
Art Unit	2175
Attorney Docket No.	

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
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☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ )

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	165
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 165

**SUBMITTED BY**

Name (Print/Type)	Stephen L. Gordon	Registration No. (Attorney/Agent)		Telephone	301-977-7137
Signature	<i>Stephen L. Gordon</i>	Date	July 27, 2004		

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